IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1674 OF 2006

Basavraj @ Basu Gurusidhappa Loni ...Applicant

V/s

The State of Maharashtra ...Respondent.

Mr A.P. Mundergi for the applicant.
Mr. Mr. Y.S. Shinde, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 28th April, 2006

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested on 21/11/2005 in connection with C.R. No. 261 of 2005 registered with the Faujadar Chawadi Police Station, Solapur for the offence punishable under sections 302, 201, 120-B, 364, 365, 368 of the Indian Penal Code. The charge-sheet has been filed.

3. It is alleged that the applicant was last seen in the company of the deceased. It is submitted that there is no other material on record which would indicate that the present applicant was involved in the commission of the said offence. The Sessions

Court has rejected the application on the ground that there is possibility of the applicant threatening the witnesses or tampering with the evidence.

4. In my view, since the charge-sheet has been filed and the only material which is on record against the applicant is that he was last seen in the company of the deceased, the applicant is entitled to be released on bail subject to stringent conditions being imposed on him.

5. The applicant be released on bail in the sum of Rs 15,000/- with one or two sureties in the like amount. The applicant shall not enter the City of Solapur during the pendency of the trial. The applicant is permitted to enter the City of Solapur only for the purpose of attending the court dates. The applicant shall give his new address of residence to the Superintendent of Jail before his release and shall report to the nearest Police Station from his new address twice in a month. The applicant shall not tamper with the evidence or threaten any of the witnesses.

6. The trial court shall not be influenced by any observations made by this Court while deciding this

application and the same may not be construed to mean as an expression of opinion on the merits of the case. The applicant shall decide the case on its own merits and in accordance with law.

7. Application is accordingly disposed of.

V.M. KANADE, J.